

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8356 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

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PRATAPSIKH TENSINH PARWAR

Versus

CHAIRMAN- GUJARAT STATE ROAD TRANSPORT CORPORATION

Appearance:

1. Special Civil Application No. 8356 of 1995
Ms. Banna Datta for MR ANIL S DAVE for Petitioner No. 1
MR PRANAV G DESAI for Respondent No. 1
NOTICE SERVED for Respondent No. 1,2-3
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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 23/04/2002

ORAL JUDGEMENT

Heard learned advocate Ms. Datta for the petitioner and Mr. Pranav G. Desai for the respondent corporation. The petitioner has served with the corporation as a driver since more than 20 years. One

accident has taken place wherein two children have expired for which departmental inquiry was initiated against the petitioner. At the time of issuance of the chargesheet to the petitioner, criminal prosecution for the same incident was pending before the criminal court and, therefore, the petitioner challenged the show cause notice issued by the competent authority which is at page 12, dated 12th September, 1995 and penalty was proposed. In this petition, initially, notice was issued by this Court and departmental inquiry was stayed vide order dated 29th September, 1995 and, thereafter the matter was admitted by issuing rule and interim relief has been directed to continue till further order vide order dated 12th December, 1995.

Thus, pursuant to the interim orders passed by this Court, the petitioner is continuing in service and at present, he is working with the respondent corporation. However, the petition is challenging the show cause notice proposing punishment and, therefore, instead of entering into the merits of the matter, it would be better course that the petitioner files reply to the show cause notice dated 12th September, 1995 before the competent authority. Learned advocate Ms. Datta appearing for the petitioner has prayed for directing that the orders that may be passed by the competent authority upon the show cause notice after filing of the reply by the petitioner may not be implemented for some reasonable period if such orders are adverse to the petitioner.

Therefore, considering these facts, without entering into the merits of the matter, it is directed to the petitioner to file reply to the show cause notice dated 12th September, 1995 before the competent authority within fifteen days from the date of receipt of copy of this order. As and when such reply to the said show cause notice is received from the petitioner by the competent authority, it is directed to the competent authority to consider the said reply to the show cause notice and to pass appropriate orders in accordance with law and rules and regulations of the corporation and to communicate the same to the petitioner. It is further directed that if such orders are adverse to the petitioner, then, same will not be implemented by the respondent corporation for a period of fifteen days from the date of communication of such orders. With these observations and directions, this petition is disposed of. Rule is discharged. Interim relief granted earlier shall stand vacated with no order as to costs.

23.4.2002. (H.K. Rathod, J.)